

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001(ss) be amended to read as follows:

- 1 Page 11, between lines 15 and 16, begin a new paragraph and insert:
- 2 "SECTION 10. IC 4-33-2-5.6 IS ADDED TO THE INDIANA
- 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2002]: **Sec. 5.6. "Cruise" means operation of**
- 5 **a riverboat for a gambling operation while the riverboat is not**
- 6 **moored to a dock.**
- 7 SECTION 11. IC 4-33-2-7 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. "Dock" means the
- 9 location where ~~an excursion~~ a riverboat moors for the purpose of
- 10 embarking passengers for and disembarking passengers from a
- 11 ~~gambling excursion.~~ **the riverboat.**
- 12 SECTION 12. IC 4-33-2-15.5 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2002]: **Sec. 15.5. "Patron" means an**
- 15 **individual who:**
- 16 **(1) boards a riverboat; and**
- 17 **(2) is not entitled to receive a tax free pass.**
- 18 SECTION 13. IC 4-33-2-16.5 IS ADDED TO THE INDIANA
- 19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. "Reporting period" means**
- 21 **a twenty-four (24) hour increment used by the department under**
- 22 **this article commencing at 6 a.m. on one (1) day and concluding at**
- 23 **5:59 a.m. the following day.**
- 24 SECTION 14. IC 4-33-4-10 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. **If a riverboat**
- 26 **crui**ses, the commission shall authorize the route of ~~a the~~ riverboat and
- 27 the stops, if any, that the riverboat may make **while on a cruise.**
- 28 SECTION 15. IC 4-33-4-21.2, AS AMENDED BY P.L.215-2001,
- 29 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2002]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat ~~gambling excursion~~
if tickets are issued.

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 16. IC 4-33-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) A licensed owner must post a bond with the commission at least sixty (60) days before the commencement of ~~regular gambling on the riverboat. excursions.~~

(b) The bond shall be furnished in:

(1) cash or negotiable securities;

(2) a surety bond:

(A) with a surety company approved by the commission; and

(B) guaranteed by a satisfactory guarantor; or

(3) an irrevocable letter of credit issued by a banking institution of Indiana acceptable to the commission.

(c) If a bond is furnished in cash or negotiable securities, the principal shall be placed without restriction at the disposal of the commission, but income inures to the benefit of the licensee.

(d) The bond:

(1) is subject to the approval of the commission;

(2) must be in an amount that the commission determines will adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation; and

(3) must be payable to the commission as obligee for use in payment of the licensed owner's financial obligations to the local community, the state, and other aggrieved parties, as determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed owner's bond is insufficient, the licensed owner shall upon written demand of the commission file a new bond.

(f) The commission may require a licensed owner to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the owner's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed owner remains at the site for which the owner's license is granted for the lesser of:

(1) five (5) years; or

(2) the date the commission grants a license to another licensed owner to operate from the site for which the bond was posted.

(i) A licensed owner who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may in no event be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

SECTION 17. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) An owner's license issued under this chapter permits the holder to:

(1) conduct gambling games authorized under this article while the riverboat is cruising or docked; and

(2) allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

SECTION 18. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations**

more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 19. IC 4-33-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not exceed four (4) hours for a round trip.

(b) Subsection (a) does not apply to an extended cruise that is expressly approved by the commission.

SECTION 20. IC 4-33-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section applies only to a riverboat that operates from a county that is contiguous to the Ohio River.

(b) A ~~gambling excursion~~ **cruise** is permitted only when the navigable waterway for which the riverboat is licensed is navigable, as determined by the commission in consultation with the United States Army Corps of Engineers.

SECTION 21. IC 4-33-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A person who knowingly or intentionally:

(1) makes a false statement on an application submitted under this article;

(2) operates a gambling ~~excursion~~ **operation or a cruise** in which wagering is conducted or is to be conducted in a manner other than the manner required under this article;

(3) permits a person less than twenty-one (21) years of age to make a wager;

(4) **aids, induces, or causes a person less than twenty-one (21) years of age who is not an employee of the riverboat gambling operation to enter or attempt to enter a riverboat;**

(5) wagers or accepts a wager at a location other than a riverboat; or

~~(5)~~ (6) makes a false statement on an application submitted to the commission under this article;

commits a Class A misdemeanor.

(b) A person who:

(1) **is not an employee of the riverboat gambling operation;**

(2) **is less than twenty-one (21) years of age; and**

(3) **knowingly or intentionally enters or attempts to enter a riverboat;**

commits a Class A misdemeanor.

SECTION 22. IC 4-33-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. An action to prosecute a crime occurring **on a riverboat while the riverboat is moored at a dock or** during a ~~gambling excursion~~ **cruise** shall be tried in the county of the dock where the riverboat ~~is based:~~ **was moored or**

1 the cruise was initiated."

2 Page 11, delete lines 16 through 21, begin a new paragraph and
3 insert:

4 "SECTION 10. IC 4-33-12-1 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A tax is imposed
6 on admissions to ~~gambling excursions~~ **a riverboat** authorized under
7 this article at a rate of ~~three~~ **four** dollars (~~\$3~~) (**\$4**) for each ~~person~~
8 ~~admitted to the gambling excursion:~~ **patron who is on board at the**
9 **time a passenger count is recorded.**

10 (b) **Passenger counts must be recorded one (1) hour after the**
11 **start of each reporting period and once every two (2) hours**
12 **thereafter under procedures approved by the commission.**

13 (c) **If the riverboat's schedule as approved by the commission**
14 **does not provide for the riverboat to be open to the public at the**
15 **start of the reporting period, passenger counts must be recorded**
16 **one (1) hour after the riverboat begins admitting patrons during a**
17 **reporting period and once every two (2) hours thereafter under**
18 **procedures approved by the commission.**

19 (d) This admission tax is imposed upon the licensed owner
20 conducting the gambling ~~excursion:~~ **operation."**

21 Page 11, line 29, strike "embarking on a riverboat" and insert
22 **"counted as required under section 1 of this chapter".**

23 Page 11, line 40, strike "embarking on a riverboat" and insert
24 **"counted as required under section 1 of this chapter".**

25 Page 12, line 4, strike "embarking on a riverboat" and insert
26 **"counted as required under section 1 of this chapter".**

27 Page 12, line 9, strike "embarking on a riverboat" and insert
28 **"counted as required under section 1 of this chapter".**

29 Page 12, line 14, strike "embarking on a riverboat" and insert
30 **"counted as required under section 1 of this chapter".**

31 Page 12, line 20, strike "embarking on a riverboat" and insert
32 **"counted as required under section 1 of this chapter".**

33 Page 12, line 35, delete "embarking on a riverboat" and insert
34 **"counted as required under section 1 of this chapter".**

35 Page 13, line 1, strike "embarking on the riverboat" and insert
36 **"counted as required under section 1 of this chapter".**

37 Page 13, line 6, strike "embarking on the riverboat" and insert
38 **"counted as required under section 1 of this chapter".**

39 Page 13, line 12, strike "embarking on the riverboat" and insert
40 **"counted as required under section 1 of this chapter".**

41 Page 13, line 14, strike "embarking on the".

42 Page 13, line 15, strike "riverboat" and insert **"counted as required**
43 **under section 1 of this chapter".**

44 Page 13, line 18, strike "embarking on the riverboat" and insert
45 **"counted as required under section 1 of this chapter".**

46 Page 13, line 23, delete "embarking on the riverboat" and insert
47 **"counted as required under section 1 of this chapter".**

- 1 Page 13, line 30, strike "embarking on a riverboat" and insert
 2 **"counted as required under section 1 of this chapter"**.
 3 Page 13, line 33, strike "embarking on a riverboat" and insert
 4 **"counted as required under section 1 of this chapter"**.
 5 Page 13, line 37, strike "embarking on a riverboat" and insert
 6 **"counted as required under section 1 of this chapter"**.
 7 Page 13, line 42, strike "embarking on a riverboat" and insert
 8 **"counted as required under section 1 of this chapter"**.
 9 Page 14, line 4, strike "embarking on a riverboat" and insert
 10 **"counted as required under section 1 of this chapter"**.
 11 Page 14, line 9, strike "embarking on a riverboat" and insert
 12 **"counted as required under section 1 of this chapter"**.
 13 Page 14, line 15, strike "embarking on a riverboat" and insert
 14 **"counted as required under section 1 of this chapter"**.
 15 Page 14, line 30, delete "embarking on a riverboat" and insert
 16 **"counted as required under section 1 of this chapter"**.
 17 Page 222, between lines 19 and 20, begin a new paragraph and
 18 insert:
 19 "SECTION 172. THE FOLLOWING ARE REPEALED
 20 [EFFECTIVE UPON PASSAGE]: IC 4-33-2-8; IC 4-33-9-2."
 21 Page 222, between lines 24 and 25, begin a new paragraph and
 22 insert:
 23 "SECTION 176. [EFFECTIVE UPON PASSAGE] (a) **The Indiana**
 24 **gaming commission shall adopt a resolution authorizing a**
 25 **riverboat licensed under IC 4-33 to permit the continuous ingress**
 26 **and egress of patrons for the purpose of gambling. The commission**
 27 **may exercise any power necessary to implement this act under a**
 28 **resolution authorized under this SECTION.**
 29 **(b) This SECTION expires January 1, 2003."**
 30 Re-number all SECTIONS consecutively.
 31 (Reference is to EHB 1001(ss) as printed June 13, 2002.)

Senator MRVAN